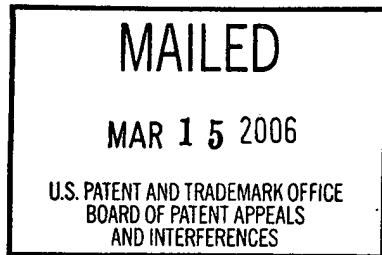


The opinion in support of the decision being entered today
was **not** written for publication and
is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANKE T. DEJONG, LARRY L. CORNETT, DAVID A. HOLZER,
JOHN G. DEBRIERE, PETER J. NICKLIN, R. MICHAEL REESE,
VALERIE E. FIFE, JOHNNY C. NICHOLS,
CHOOI P. LOW and KIT FITZPATRICK



Appeal No. 2006-0693
Application No. 09/275,727

ON BRIEF

Before LEVY, SAADAT and NAPPI, **Administrative Patent Judges.**

NAPPI, **Administrative Patent Judge.**

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of
claims 1 through 17. For the reasons stated *infra* we reverse the examiner's
rejection of these claims.

Invention

The invention relates to a storage area network management configuration system. The system allows drives in enclosures to be configured into a particular Redundant Array of Inexpensive Disks (RAID). See page 5 of appellants' specification.

Claim 1 is representative of the invention and is reproduced below:

1. A storage area network management and configuration system, comprising:
 - an enterprise network including a plurality of computer systems, the plurality of computer systems including server computer systems and client computer systems, wherein the server computer systems include a server component and the client computer systems include a client component;
 - a storage enclosure connected to a server computer system having the server component, the storage enclosure having a RAID array of disks; and
 - a graphical user interface provided by the client component at a client computer system, the graphical user interface being defined to enable a user to physically build and modify the RAID array of disks of the storage enclosure connected to the server computer system from the client computer system without requiring the user to locally interact with the server computer system.

References

The references relied upon by the examiner are:

Axberg et al. (Axberg)	6,009,466	Dec. 28, 1999 (filed Oct. 31, 1997)
Ofer et al. (Ofer)	5,890,204	Mar. 30, 1999 (filed Jun. 03, 1996)

Rejection at Issue

Claims 1 through 17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Axberg in view of Ofer.

Opinion

We have carefully considered the subject matter on appeal, the rejection advanced by the examiner and the evidence of obviousness relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, appellants' arguments set forth in the briefs along with the examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer.

With full consideration being given to the subject matter on appeal, the examiner's rejection and the arguments of appellants and the examiner, and for the reasons stated *infra* we do not sustain the examiner's rejections of claims 1 through 17 under 35 U.S.C. § 103.

Rejection of claims 1 through 17 under 35 U.S.C. § 103

Appellants argue, on pages 7 of the reply brief, that the motivation asserted by the examiner is not derived from the references themselves. Further, appellants argue, "there is no suggestion or motivation, either explicitly or implicitly, in either Axberg or Ofer to have combined the teachings of Axberg and Ofer to arrive at the present invention."

The examiner identifies on pages 4 and 5 of the answer that:

Ofer et al. strongly shows the storage enclosure being connected to a server computer system having the server component, the storage enclosure having a RAID array of disk (column 2, lines 25-35 and lines 55-63); and the graphical user interface and a functional tool (provided by a graphical user interface) being defined to enable a user to physically build and modify the RAID array of disks of the storage enclosure (column 1, lines 55-68 and column 4, lines 53-67). It would have been obvious to

one of ordinary skill in the art, at the time the invention was made, to combine Ofer's teaching of graphical user interface with the storage enclosure of Axberg. Motivation of [sic, for] the combination would have been to produce [a] cost-effective, highly available, high performance disk system by using the RAID that is a collection of multiple disk drives being organized into a disk array managed by a common array controller.

We disagree with the examiner's rationale. In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). *See also In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. *Oetiker*, 977 F.2d at 1445, 24 USPQ2d at 1444. *See also Piasecki*, 745 F.2d at 1472, 223 USPQ at 788. An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and arguments." *Oetiker*, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." *In re Lee*, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434

(Fed. Cir. 2002). In this case the examiner has presented no objective evidence that would have suggested modifying Axberg with the teachings of Ofer. Claim 1 includes the limitation

a graphical user interface provided by the client component at a client computer system, the graphical user interface being defined to enable a user to physically build and modify the RAID array of disks of the storage enclosure connected to the server computer system from the client computer system without requiring the user to locally interact with the server computer system.

Independent claim 3 contains a similar limitation. We find that both Axberg and Ofer teach a Graphical User Interface (GUI). See abstract of both patents. The examiner has not shown how or why one of ordinary skill in the art would modify Axberg such that the GUI would allow a user to build and modify the RAID without interacting locally with the RAID server. On pages 9 and 10 of the answer, the examiner identifies that Ofer's host computer (item 20) or Personal Computer PC (item 24) are considered to meet the claimed client component. While we recognize that Ofer also teaches that the PC can be accessed remotely to access the storage controller (see column 2, lines 63 through 67), the examiner has provided no objective evidence to suggest the modification proposed. Accordingly, we will not sustain the examiner's rejection under 35 U.S.C. § 103.

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